

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

SEPTEMBER 23, 2004

The Marlboro Township Council held a regularly scheduled Council Meeting on September 23, 2004 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council Vice President Denkensohn opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 5, 2004; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

PRESENT: Councilman Burrows, Council Vice President Denkensohn, Councilwoman Morelli, Councilman Pernice. (Absent: Mione)

Also present were: Mayor Kleinberg, Andrew Bayer, Esq., Acting Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

The Clerk called the Roll.

Councilwoman Morelli moved that the minutes of August 12, 2004 be approved. This motion was seconded by Councilman Pernice and the minutes as amended were passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-20 (Prohibiting Smoking at Township Events - Except in Designated Areas). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-296/Ord. # 2004-20 (Prohibiting Smoking at Township Events - Except in

Designated Areas) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-296

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-20

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 105 "PARKS AND PLAYGROUND", SECTION 105-5 "RECREATIONAL FACILITIES LIMITED TO INTENDED USE," OF CODE OF THE TOWNSHIP OF MARLBORO TO RESTRICT SMOKING AT MARLBORO TOWNSHIP RECREATION & PARKS COMMISSION FACILITIES AND EVENTS

which was introduced on August 12, 2004, public hearing held September 23, 2004, be adopted on second and final reading this 23rd day of September, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council Vice President Denkensohn opened the Public Hearing on Ordinance # 2004-21 (Bond Ordinance - Various Capital Improvements). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2004-297/Ord. # 2004-21 (Bond Ordinance - Various Capital Improvements) was introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-297

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-21

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH,

NEW JERSEY, PROVIDING FOR VARIOUS
GENERAL IMPROVEMENTS AND OTHER RELATED
EXPENSES IN AND FOR THE TOWNSHIP OF
MARLBORO AND APPROPRIATING \$2,160,000
THEREFOR, AND PROVIDING FOR THE
ISSUANCE OF \$2,062,000 IN BONDS OR
NOTES OF THE TOWNSHIP OF MARLBORO TO
FINANCE THE SAME

which was introduced on September 9, 2004, public hearing
held September 23, 2004, be adopted on second and final
reading this 23rd day of September, 2004.

BE IT FURTHER RESOLVED that notice of the adoption of
this ordinance shall be advertised according to law.

ORDINANCE # 2004-21

AN ORDINANCE OF THE TOWNSHIP OF
MARLBORO, IN THE COUNTY OF MONMOUTH,
NEW JERSEY, PROVIDING FOR VARIOUS
GENERAL IMPROVEMENTS AND OTHER RELATED
EXPENSES IN AND FOR THE TOWNSHIP OF
MARLBORO AND APPROPRIATING \$2,160,000
THEREFOR, AND PROVIDING FOR THE
ISSUANCE OF \$2,062,000 IN BONDS OR
NOTES OF THE TOWNSHIP OF MARLBORO TO
FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not
less than two-thirds of all members thereof affirmatively
concurring), AS FOLLOWS:

Section 1. The several improvements or purposes
described in Section 3 of this bond ordinance are hereby
authorized to be undertaken by the Township of Marlboro, in
the County of Monmouth, New Jersey (the "Township") as
general improvements. For the several improvements or
purposes described in Section 3 hereof, there are hereby
appropriated the respective sums of money therein stated as
the appropriations made for each improvement or purpose,
such sums amounting in the aggregate to \$2,160,000,
including the sum of \$98,000 as the several down payments
required by the Local Bond Law. The down payments have
been made available by virtue of provision for down payment
or for capital improvement purposes in one or more

previously adopted budgets. Pursuant to N.J.S.A. 40A:2-11(c), no down payment is required for the purpose described in Section 3(a)(3) hereof since such purpose involves a project to be funded, in part, by New Jersey Department of Transportation grant no.04-480-078-6320-AIH-6010.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,062,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: Acquisition of a cable studio generator for the Administration Department, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$5,184
<u>Maximum Amount of Bonds or Notes:</u>	\$4,924
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$260

- (2) Purpose: Improvements to the Administration Department cable studio, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$2,592
<u>Maximum Amount of Bonds or Notes:</u>	\$2,462
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 130

- (3) Purpose: Road improvements to Route 520 from Lowe's to the Old Bridge Border, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$207,343
<u>Maximum Amount of Bonds or Notes:</u>	\$207,343
<u>New Jersey Dept. of Transportation Grant:</u>	\$100,000
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 0

- (4) Purpose: Road improvements to Union Hill from Route 9 to the Manalapan Border, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$155,508
<u>Maximum Amount of Bonds or Notes:</u>	\$147,703
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 7,805

- (5) Purpose: Road improvements, including design, to Igoe Road from Pleasant Valley to Mockingbird, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$25,918
<u>Maximum Amount of Bonds or Notes:</u>	\$24,617
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 1,301

- (6) Purpose: Road improvements, including design, to Station Road from Crine to Route 79, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$72,570
<u>Maximum Amount of Bonds or Notes:</u>	\$68,928
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 3,642

- (7) Purpose: Road improvements, including design to Brown Road from Route 79 to Tennent, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$41,469
<u>Maximum Amount of Bonds or Notes:</u>	\$39,388
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 2,081

- (8) Purpose: Road improvements, including design, to Texas Road/Spring Valley Road, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,367
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,847
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 520

- (9) Purpose: Improvements to the Fletcher Drive Ditch Outfall for purposes of determining method of unclogging the ditch, and including all else necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$25,918
<u>Maximum Amount of Bonds or Notes:</u>	\$24,617
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$ 1,301

- (10) Purpose: Improvements to the under drain collector system located at Millay

Road/Fletcher Drive, as more fully described
on a list on file with the Township Clerk,
and including all work and materials
necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$155,508
<u>Maximum Amount of Bonds or Notes:</u>	\$147,703
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$ 7,805

(11) Purpose: Repairs to the Rockwell Circle
Pond and Dam, as more fully described on a
list on file with the Township Clerk, and
including all work and materials necessary
therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,102
<u>Maximum Amount of Bonds or Notes:</u>	\$29,541
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,561

(12) Purpose: Stormwater Management Regulation
Compliance, and including all else necessary
therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$25,918
<u>Maximum Amount of Bonds or Notes:</u>	\$24,617
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$ 1,301

(13) Purpose: Detention Basin Survey, and
including all work and materials necessary
therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,367
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,847
<u>Period or Average Period of Usefulness:</u>	40 years
<u>Amount of Down Payment:</u>	\$ 520

(14) Purpose: Acquisition of a first aid vehicle
for the Township First Aid Squad, and
including all work and materials necessary
therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$134,773
<u>Maximum Amount of Bonds or Notes:</u>	\$128,009
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 6,764

- (15) Purpose: Acquisition of computer hardware, computer software and a server for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,102
<u>Maximum Amount of Bonds or Notes:</u>	\$29,541
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 1,561

- (16) Purpose: Acquisition of remote video surveillance equipment for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$10,367
<u>Maximum Amount of Bonds or Notes:</u>	\$ 9,847
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 520

- (17) Purpose: Acquisition of storage racks and a dehumidifier for the Armory located in the Township, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$8,294
<u>Maximum Amount of Bonds or Notes:</u>	\$7,878
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 416

- (18) Purpose: Acquisition of storage racks for the Township Police Department evidence room, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$7,775
<u>Maximum Amount of Bonds or Notes:</u>	\$7,385
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 390

- (19) Purpose: Upgrade of the Township Police Department evidence room utilities, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$6,220
<u>Maximum Amount of Bonds or Notes:</u>	\$5,908
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 312

- (20) Purpose: Upgrade of the Township Police Department electrical room utilities, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$3,629
<u>Maximum Amount of Bonds or Notes:</u>	\$3,447
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 182

- (21) Purpose: Roadway, pavement and overlay improvements of various roads located in the Township, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$518,359
<u>Maximum Amount of Bonds or Notes:</u>	\$492,344
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$ 26,015

- (22) Purpose: HVAC remediation in various Township buildings, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$103,672
<u>Maximum Amount of Bonds or Notes:</u>	\$ 98,469
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 5,203

- (23) Purpose: Painting of Recreation Center exterior and gym doors, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$43,542
<u>Maximum Amount of Bonds or Notes:</u>	\$41,357
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 2,185

- (24) Purpose: Acquisition of an emergency generator for the Fleet Maintenance Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$155,508
<u>Maximum Amount of Bonds or Notes:</u>	\$147,703
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 7,805

- (25) Purpose: Acquisition of a Calcium Chloride Wetting System for the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$31,102
<u>Maximum Amount of Bonds or Notes:</u>	\$29,541
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,561

- (26) Purpose: Acquisition of a replacement mower for the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$29,028
<u>Maximum Amount of Bonds or Notes:</u>	\$27,571
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,457

- (27) Purpose: Acquisition of a replacement snowplow for the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$12,441
<u>Maximum Amount of Bonds or Notes:</u>	\$11,817
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 624

- (28) Purpose: Acquisition of three pick up trucks for the Roads Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$82,937
<u>Maximum Amount of Bonds or Notes:</u>	\$78,775
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 4,162

- (29) Purpose: Acquisition of two pick up trucks for the Parks Division of the Township Public Works Department, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$54,946
<u>Maximum Amount of Bonds or Notes:</u>	\$52,188
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$ 2,758

- (30) Purpose: Various park improvements and acquisition of equipment as more fully described on a list on file with the Township Clerk, and including all work and

materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$36,285
<u>Maximum Amount of Bonds or Notes:</u>	\$34,464
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,821

(31) Purpose: Various recreation center improvements and acquisition of equipment as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$20,734
<u>Maximum Amount of Bonds or Notes:</u>	\$19,693
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 1,041

(32) Purpose: Acquisition of a sprinkler system for the Vanderburg Soccer Complex, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$62,203
<u>Maximum Amount of Bonds or Notes:</u>	\$59,081
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 3,122

(33) Purpose: Various improvements and acquisition of equipment for the Union Hill Complex, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$16,587
<u>Maximum Amount of Bonds or Notes:</u>	\$15,755
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 832

(34) Purpose: Various improvements and acquisition of equipment for the Recreation Community Center Park, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$12,441
<u>Maximum Amount of Bonds or Notes:</u>	\$11,817
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 624

(35) Purpose: Acquisition and installation of fencing at the Hawkins Road Park, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

<u>Appropriation and Estimated Cost:</u>	\$8,294
<u>Maximum Amount of Bonds or Notes:</u>	\$7,878
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$ 416

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby

authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 13.6561 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,062,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$321,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof (including the \$100,000 grant expected to be received from the New Jersey Department of Transportation which is appropriated pursuant to Section 3(a)(3) hereof) shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and

notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. #2004-298/Ord. #2004-22 (Mid-Block Crosswalk Henry Hudson Trail - Kensington Gate - Huxley Court) was introduced by reference, offered by Councilman Burrows, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-298

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2004-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO HUXLEY COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on October 28, 2004 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro,

New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2004-22

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 138 "VEHICLES AND TRAFFIC" OF THE CODE OF THE TOWNSHIP OF MARLBORO BY MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO HUXLEY COURT WITHIN THE TOWNSHIP OF MARLBORO AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that John E. Towle of Centex Homes, LLC has filed a written consent with the Township of Marlboro that the provisions of Subtitle One of Title 39 of the revised statutes of New Jersey be made applicable to the semi-public roads, streets, driveways and parking lots at Huxley Court located in the Township of Marlboro, County of Monmouth and that the following regulations shall be enforceable to said roads, streets, driveways and parking lots, thereby amending and supplementing Chapter 138 "Vehicles and Traffic" of the Code of the Township of Marlboro:

REGULATION(S):

1.

General Parking

- A. No person shall stop or stand a vehicle upon any of the streets or parts of streets described below, except in areas covered by other parking restrictions.

<u>Name of Street</u>	<u>Sides</u>	<u>Hours</u>	<u>Location</u>
Huxley Court	North	All	As indicated on site plan

2. Speed Limits:

A. The speed limit for both directions of travel on the following roadways are:

<u>Name of Roadway</u>	<u>MPH</u>	<u>Limits</u>
Huxley Court	15	Entire Length

B. Regulatory and warning signs shall be erected and maintained to effect the above designated speed limits authorized by the Department of Transportation.

3. Tow-Away Zones:

Any vehicle parked or standing as to obstruct or impede a normal flow of traffic block entrances or exit ways, loading zones, oil fills, any grassy area pedestrian walkway, or present in any way a safety or traffic hazard may be removed by towing the vehicle at the owners or operators expense.

BE IT FURTHER ORDAINED, that all signs, posts, or other necessary materials shall be installed and paid for by the Township of Marlboro and that all signing shall conform to the current Manual on Uniform Traffic Control Devices, pursuant to N.J.S.A. 39:4-198 and N.J.S.A. 39:4-183.27.

BE IT FURTHER ORDAINED, that unless another penalty is expressly provided for by the New Jersey Statute, every person convicted of a violation of this ordinance or any supplement thereto shall be liable to a penalty of not more than (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution #2004-299 (Authorizing Traffic Signal Agreement - Route 9 and 520) was introduced by reference, offered by Councilman Burrows, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-299

WHEREAS, a traffic condition exists at the intersection of Route 9 and 520, in the Township of Marlboro, in the County of Monmouth, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons and areas of presence detection in order to minimize the possibility of accidents; and

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and

WHEREAS, the state of New Jersey has indicated its willingness to install a traffic control signal at said intersection; and

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Clerk of the said Township of Marlboro, be and are hereby authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said Agreement being attached hereto and made a part hereof

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Township of Marlboro, be and hereby are authorized to execute said Agreement.

The following Resolution #2004-300 (Authorizing contract - Vehicle for Police Dept.) was introduced by reference, offered by Councilwoman Morelli, seconded by

Councilman Burrows and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-300

RESOLUTION AUTHORIZING BID AWARD TO GRAND PRIX
JEEP/CHRYSLER- LLC FOR GEM E-4 NEV POLICE
VEHICLE FOR THE POLICE DEPARTMENT

WHEREAS, the Township of Marlboro has authorized the acceptance of bids to provide a GEM E-4 NEV Police Vehicle for the Township of Marlboro Police Department;

WHEREAS the three (3) bids received were as follows:

1. Grand Prix Jeep/Chrysler LCC, 500 South Broadway, Hicksville, NY 11801 for the amount of \$12,424.00;
2. Remsen Dodge, 3391 Highway 35 North, Hazlet, NJ 07730 for the amount of \$13,402.00; and
3. Knopf Dodge, 717 North Bethlehem Pike, Ambler, PA for the amount of \$13,300.00.

WHEREAS, Administration and the Police Department have reviewed the bids received and recommend that the bid be awarded to Grand Prix Jeep/Chrysler LCC as the lowest responsive bidder;

NOW, THERE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Grand Prix Jeep/Chrysler LCC for a GEM E-4 NEV Police Vehicle, in the amount of \$12,424.00, and in accordance with the bid proposal submitted by Grand Prix Jeep/Chrysler LCC of Hicksville, NY, which is on file with the Township.

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Grand Prix Jeep/Chrysler
- b. Township Police Chief
- c. Township Administrator
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Resolution #2004-301 (Authorizing Deferred Loan Agreement - Block 299, Lot 7) was introduced by reference, offered by Council Vice President Denkensohn, seconded by Councilman Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-301

A RESOLUTION AUTHORIZING THE EXECUTION
OF A DEFERRED LOAN AGREEMENT BETWEEN
YVETTE BOCCHINO AND THE TOWNSHIP OF
MARLBORO IN THE AMOUNT OF \$9,075.00

WHEREAS, Yvette Bocchino, the owner of property known as Block 299, Lot 7 on the Tax Map of the Township of Marlboro, also known as 14 York Road, Marlboro, New Jersey 07746 (the "Property"), submitted an application to the Township of Marlboro Housing Rehabilitation Program (the "Program") for the goal of upgrading and correcting code violations at the Property to meet local and state building codes; and

WHEREAS, the Township of Marlboro Planning Board and Housing Services, Inc., the entity that administers the Program for the Township, have reviewed the application and found that Ms. Bocchino is eligible for assistance through the Program; and

WHEREAS, Ms. Bocchino has executed a Mortgage dated August 20, 2004 in favor of the Township of Marlboro, whereby Ms. Bocchino promises to pay the Township of Marlboro the amount of \$9,075.00 on or before August 20, 2010, and said sum is secured by the Property; and

WHEREAS, pursuant to the Program requirements, there exists a need for the Township of Marlboro to enter into a Deferred Loan Agreement with Ms. Bocchino in the amount of \$9,075.00, a copy of which is attached; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute the Deferred Loan Agreement with Yvette Bocchino, pursuant to the Township of Marlboro Housing Rehabilitation Program for a loan in the amount of \$9,075.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Yvette Bocchino
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Resolution #2004-302 (Change Order Vanderburg Basketball Court) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-302

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,
CME ASSOCIATES
VANDERBURG BASKETBALL COURT

WHEREAS, the consulting engineer recommends the authorization of Change Order No. 1 regarding an increase to redesign the Vanderburg Basketball Court making the area 7 ft. shorter than the original bid documents in the amount of \$780.00 for a total contract sum of \$4,680.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to Change Order No. 1 to the agreement between the Township of Marlboro and CME Associates, in the form attached hereto, for an net additional consideration of \$780.00 for a total contract sum of \$4,680.00,
2. That the Chief Financial Officer has filed a Certificate of Availability of Sufficient Funds

for this Change Order and attached same to this resolution.

3. That a certified copy of this resolution shall be provided to each of the following:
 - a. Gregory Valesi, PE, CME Associates
 - b. Chief Financial Officer
 - c. Township Attorney

The following Resolution #2004-303 (Authorizing State Contract - Antenna/Repeater Robertsville Fire) was introduced by reference, offered by Councilman Burrows, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-303

RESOLUTION AUTHORIZING THE PURCHASE OF VHF
REPEATER AND ANTENNA UNDER STATE CONTRACT #A53752

WHEREAS, the Marlboro Township Police Department has recommended that the Township purchase a Model SXHMCX/MASTER III VHF Repeater& Antenna with Cabinet from Tektron, Inc. of East Brunswick, New Jersey under State Contract #A55752 for the amount of \$20,335.95 plus \$\$11,400.00 installation and labor; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the antenna to the Township of Marlboro Police Department; and

WHEREAS, funds are available in MCIA Account Number 03-2001-0000-01012-04-02001 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said repeater/antenna;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one Model SXHMCX/MASTER III VHF Repeater & Antenna with Cabinet for the Township of Marlboro Police Department from Tektron Inc. of East Brunswick, New Jersey under State Contract #A53752 for the amount of \$20,335.95 plus \$11,400.00 installation and labor; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Tektron, Inc., East Brunswick, New Jersey
- b. Township Administrator
- c. Township Police Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

The following Resolution #2004-304 (Chapter 159 - Item of Revenue - Stormwater Regulations.) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-304

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award for State of New Jersey - Department of Environmental Protection, Municipal Stormwater Regulation Program in the amount of \$20,619.00

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Acting Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Voice Logger

as required by law.

The following Resolution #2004-306 (Subordination of Mortgage) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-306

A RESOLUTION AUTHORIZING THE
SUBORDINATION OF A TOWNSHIP-HELD
MORTGAGE RELATING TO THE PROPERTY
LOCATED AT 254 TENNENT ROAD,
MORGANVILLE, NEW JERSEY (BLOCK 172, LOT
50 ON THE MARLBORO TOWNSHIP TAX MAP)

WHEREAS, Leonard T. Flynn and Virginia A. Flynn (the "Owners") are the record owners of certain real property located at 254 Tennent Road, Morganville, New Jersey, more commonly known and designated as Block 172, Lot 50 (the "Property"), on the Marlboro Township Tax Map; and

WHEREAS, on or about December 8, 2000, the Owners granted to the Township a mortgage (the "Township Mortgage") encumbering the Property to secure the payment of \$11,775.00, with interest, which was recorded on January 9, 2001 in Mortgage Book 8001 at Page 0672; and

WHEREAS, the intention of the Township Mortgage is to secure the payment of expenses related to certain rehabilitation work which was performed at the Property pursuant to and in accordance with the Township's Affordable Housing Program; and

WHEREAS, the Owners now desire to obtain a loan in the amount of \$98,000.00 (the "Loan") from Washington Mutual Bank, FA and to grant a mortgage encumbering the Property to said bank securing the new loan (the "New Mortgage"); and

WHEREAS, the appraised value of the Property is \$210,000.00; and

WHEREAS, as a condition of approving said refinancing, Washington Mutual Bank, FA is requiring the Township of Marlboro to execute a Subordination Agreement acknowledging that following the closing on the Loan the Township Mortgage would be subordinate to the New Mortgage; and

WHEREAS, Administration and the Township of Marlboro Engineering Department have determined that there is sufficient equity in the Property to satisfy the Township Mortgage, if needed.

NOW, THEREFORE, BE AND IT HEREBY IS RESOLVED by the Township Council of the Township of Marlboro that the Mayor is authorized to execute the Subordination Agreement, attached hereto and made a part hereof, acknowledging that the Township Mortgage is subordinate to the New Mortgage; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Platinum Title Agency, Inc.
- b. COAH Coordinator
- c. Leonard and Virginia Flynn
- d. Gluck, Walrath & Lanciano, LLP.

The following Resolution #2004-307 (Reject & Rebid - HVAC) was introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione).

RESOLUTION # 2004-307

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

HEATING, VENTILATING AND AIR CONDITIONING EQUIPMENT

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Acting Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for HEATING, VENTILATING AND AIR CONDITIONING EQUIPMENT as required by law.

The following Resolutions were introduced by reference, offered by Councilman Pernice, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Mione): Res. # 2004-308 (Redemption Tax Sale Certs. - Various), Res. # 2004-309 (Refunds for Overpayments - Various), Res. # 2004-310 (Refunds to WMUA - Various), Res. # 2004-311 (Veteran Deductions - Various), Res. # 2004-312 (Senior Citizen Deduction - B. 288, L. 29 C0022 and Res. #2004-313 (Disabled Veteran Deduction - B. 299, L. 146.02)

RESOLUTION # 2004-308

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$11,818.16 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$11,818.16 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
04-10	190/13	Fidelity Tax, LLC	\$8,128.27
26	Stony Hill Drive	P.O. Box 5707 Fort Lauderdale, FL 33310	
04-20	412.03/4	Wachovia-Coll Agt/	3,060.41
8	Warbler Road	SASS Muni IV Dtr 123 S. Broad Street Philadelphia, PA 19109	
04-27	246/4	American Tax Funding	629.48
31	Calder Court	P.O. Box 862658 Orlando, FL 32886-2658	

TOTAL: \$11,818.16

RESOLUTION # 2004-309

WHEREAS, the attached list in the amount of \$9,496.66 known as Schedule "A", is comprised of amounts representing overpayments for 2004 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
178	2 C0189	Heilbrunn Pape & Goldstein	\$1,106.93
189	Nantucket Pl.	Attn: Brian L. Whiteman 2501 Highway 516 Old Bridge, NJ 08857 Re: Sam & Donna Kauderer (Former Assessed Owners)	
178	2 C0329	Vadim & Nadezhda Smirnov	1,026.77
329	Devon Place	329 Devon Place Morganville, NJ 07751	
207	22.16	Aleksandr Drel	1,677.20
27	Osprey Court	27 Osprey Court Marlboro, NJ 07746	
270	109	Aurelio Silva	1,664.22
41	Millay Road	41 Millay Road Morganville, NJ 07751	
319	4	Patricia & David Branch	1,822.85
22	St. Lawrence Way	22 St. Lawrence Way Marlboro, NJ 07746	
412	130	Peter & Laura Pirrone	2,198.69
10	Branch Court	10 Branch Court Marlboro, NJ 07746	
TOTAL:			<u>\$9,496.66</u>

RESOLUTION # 2004-310

WHEREAS, current sewer charges totaling \$215.70 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$215.70 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#03-43 5 Lloyd Road	116/17	American Tax Funding	\$132.88
TSC#03-54 11 Regina Road	305/190	American Tax Funding	82.82
TOTAL:			<u>\$215.70</u>

RESOLUTION # 2004-311

WHEREAS, Veteran deductions totaling \$1,000.00 have been granted as per the attached Schedule "A" for the year 2004,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
127 38 Nolan Road	15	Emil & Barbara De Lorenzo 38 Nolan Road Morganville, NJ 07751	\$250.00
185 35 Ruby Drive	4	Carl & Lenore Gelband 35 Ruby Drive Morganville, NJ 07751	250.00

322	5	Jeffrey & Ava Cantor	250.00
65 School Road West		65 School Road West	
		Marlboro, NJ 07746	
386	41	Robert Silverman	250.00
37 Lansdale Drive		37 Lansdale Drive	
		Marlboro, NJ 07746	
TOTAL:			<u>\$1,000.00</u>

RESOLUTION # 2004-312

WHEREAS, a Senior Citizen deduction in the amount of \$250.00 has been allowed for the year 2004 for Block 288 Lot 29 C0022, located on 22 Aspen Avenue, assessed to Joseph & Alice Agresti,

WHEREAS, taxes for the year 2004 have an unpaid balance on the above-referenced block & lot,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$250.00 as noted above.

RESOLUTION # 2004-313

WHEREAS, the Tax Assessor has granted a disabled veteran exemption for John Molte, Block 299 Lot 146.02, located at 18 Bauers Lane,

WHEREAS, taxes were billed for the full year of 2004 in the amount of \$8,526.19, and

WHEREAS, this exemption became effective March 29th, 2004 and taxes were paid for the first three quarters of 2004, the above mentioned taxpayer is due a refund of \$4,263.10,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to refund the amount of \$4,263.10 to the above-mentioned taxpayer and cancel \$6,455.49.

At 9:10PM, Councilman Pernice moved that the meeting go into executive session for reason of discussing acquisition of property, contract negotiations, litigation and

personnel. This was seconded by Councilman Burrows, and as there was no objection, the Clerk was asked to cast one ballot. Recess was held, and the executive session commenced at 9:15PM.

RESOLUTION # 2004-314

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 23rd day of September, 2004 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely acquisition of property, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:05PM, Councilwoman Morelli moved that the meeting be opened. This was seconded by Councilman Pernice, and as there was no objection, the Clerk was asked to cast one ballot.

At 10:10PM, Councilman Pernice moved that the meeting be adjourned. This was seconded by Councilwoman Morelli, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 28, 2004

OFFERED BY: Pernice

AYES: 4

SECONDED BY: Denkensohn

NAYS: 0

ABSTAIN: Mione

ALIDA DE GAETA
MUNICIPAL CLERK

BARRY DENKENSOHN
COUNCIL VICE PRESIDENT

